

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 96-033**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### **2. Form, Style and Placement in Administrative Code**

a. The applicability of s. RL 120.02 should be expanded to include ch. RL 128. Making this change will apply the definition of “department” in s. RL 120.02 (6) to the provisions of ch. RL 128.

b. In s. RL 128.01, the phrase “The following rules are” should be replaced by the phrase “This chapter is.”

c. Is a form to be provided for the required certification in s. RL 128.02 (6)? [See s. 1.09 (2), Manual, regarding reference to forms in administrative rules.]

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Section RL 128.02 (4) provides that an instructor of an approved educational course receives credit toward satisfaction of the educational requirements. The rule does not indicate how much credit is to be received other than that credit may not be received for teaching a specific course more than one time. For example, is 50 minutes of instruction equivalent to an hour of credit?

b. Section RL 128.02 (6) requires a registered auctioneer to certify that he or she has met the educational requirements. Section RL 128.02 (7) requires every registered auctioneer to retain evidence of completion of educational requirements for at least five years. Sections RL

128.04 (3) and 128.05 (2) require program providers to provide an individual certification of completion to all registered auctioneers upon all satisfactory completion of courses. Would it not be simpler to require registered auctioneers to submit the certificate of completion when applying for initial renewal of registration? Presumably, this would permit the deletion of the five-year retention requirement for registered auctioneers (and, presumably, the five-year retention requirement for program providers would be retained).

c. In ss. RL 128.03 (2) and 128.04 (5), is reference to “combination of courses” in need of more specificity?

d. Section RL 128.04 (1) contains no criteria for department approval of educational programs. Also, the second sentence of the subsection should be rewritten to read: “The program provider shall include a designation of the courses to be provided, the name and outline of the courses, the name and qualifications of the instructors and the date, time segments and location of the courses.”

e. Section RL 128.04 (3) refers to “written evidence of having completed the course.” Section RL 128.05 (2) refers to an “individual certificate of completion.” In addition to being repetitive, the provisions are not consistent.

f. Is the reference to registration limitation, suspension or revocation in s. RL 128.04 (8) (intro.) intended only to refer to an auctioneer registration issued by this state?

g. The material contained in the “Effective Date” provision found after the text of the rule is really an applicability provision. In order to adequately notify registrants of the applicability of ch. RL 128, this material should be contained in the published chapter, possibly as s. RL 128.06. A new effective date provision then should be prepared for the rule, presumably making use of the general date of effectiveness found in s. 227.22 (2) (intro.), Stats.